

vanilla extract, whereas, in truth and in fact, it was not a pure vanilla extract, but was a mixture of vanilla extract and artificial vanillin.

On October 31, 1913, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$20.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *March 30, 1914.*

**3008. Alleged adulteration and misbranding of wheat bran. U. S. v. 250 Sacks of So-called Wheat Bran. Product released on bond. Order of dismissal. (F. & D. No. 4921. S. No. 1633.)**

On December 27, 1912, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 250 sacks, each containing a product purporting to be wheat bran, remaining unsold in the original unbroken packages and in possession of G. F. Hill & Co., Gladstone, N. J., alleging that the product had been shipped on or about November 25, 1912, by the Northwestern Consolidated Milling Co., Minneapolis, Minn., and transported from the State of Minnesota into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "For drawback, The Northwestern Consolidated Milling Co. 100 lbs. pure wheat bran. Minimum crude protein 14.05%. Minimum Crude fat 4.00%. Minimum Crude Fibre 11.00%. Minneapolis U S A." It was alleged in the libel that a substance, to wit, screenings, had been mixed and packed with the bran in such a manner as to reduce and lower and injuriously affect its quality and strength, and, further, that a substance, to wit, screenings, had been substituted in part for said wheat bran. It was also alleged in the libel that the bran was an imitation and was offered for sale under the distinctive name of another article, that is to say, under the name of pure wheat bran, the same not being pure wheat bran as stated thereon, and, further, that said product being labeled "Pure wheat bran," was so labeled as to deceive and mislead the purchaser, in that the packages containing the product and the labels thereon bore a statement regarding the ingredients and substances contained therein, which statement was false and misleading, in that said product was not pure wheat bran, but was a mixture and packed with at least 3 per cent of added screenings. It was further alleged that the bran was intended for consumption as food, and that it was adulterated and misbranded, in that said labels were intended and calculated to deceive and mislead the purchaser thereof.

Thereafter the following stipulation was entered into between counsel for libelant and for the Northwestern Consolidated Milling Co., claimant:

Whereas the above entitled action is pending in the District Court of the United States for the District of New Jersey, and,

Whereas the Northwestern Consolidated Milling Company, a Minnesota corporation, doing business at Minneapolis, Minnesota, has appeared as claimant in said action, and,

Whereas the said claimant wishes to release the said so-called wheat bran under the terms, conditions, and provisions of section 10 of the Food and Drugs Act of June 30, 1906, as amended August 23, 1912, and all other amendments thereto, if any there be, and to that end wishes to give a bond as required by said act and to release said bran and to have the said cause dismissed,

The said claimant herein having filed a satisfactory bond as provided by section 10 of the Food and Drugs Act of June 30, 1906, as amended August 23, 1912.

It is hereby stipulated and agreed by and between the parties hereto through their respective attorneys that the above entitled action is hereby dismissed and the said bran released from seizure.

On January 19, 1914, it appearing to the court that a satisfactory bond had been filed by the claimant and that the stipulation set forth above had been entered into between

the libelant and claimant for the dismissal of the cause, it was ordered that the product should be delivered forthwith to the owner thereof and that the cause should be dismissed.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *March 30, 1914.*

**3009. Misbranding of catsup. U. S. v. Alart & McGuire. Plea of guilty. Fine, \$25. (F. & D. No. 4924. I. S. Nos. 17193-d, 17194-d, 17195-d, 22320-d.)**

On June 17, 1913, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Alart & McGuire, a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act:

(1) On March 20, 1912, from the State of New York into the State of Louisiana, of a quantity of catsup which was misbranded. This product was labeled: "Gold Seal 48 High Grade Catsup. Alart & McGuire, N. Y. Prepared with Benzoate of Soda about 1/5 of 1%. Guaranteed by Alart & McGuire under the Food and Drugs Act, June 30, 1906. Serial No. 1281-a."

Analysis of a sample of this product by the Bureau of Chemistry of this department showed that it contained much more benzoate of soda than stated on the label. Misbranding of the product was alleged in the information for the reason that the label thereon bore the statement, "Prepared with Benzoate of Soda about 1/5 of 1%," regarding the ingredients and substances contained in the article, which said statement was false and misleading, in that, in truth and in fact, the article contained a larger amount of benzoate of soda, and, in fact, contained between 0.435 per cent and 0.458 per cent.

(2) On March 20, 1912, from the State of New York into the State of Louisiana, of a quantity of catsup which was misbranded. This product was labeled: "Gold Seal—50— High Grade Catsup—Alart & McGuire, N. Y.—Prepared with Benzoate of Soda about 1/5 of 1%. Guaranteed by Alart & McGuire under the Food and Drugs Act, June 30, 1906. Serial #1281."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it contained much more benzoate of soda than stated on the label. Misbranding of the product was alleged in the information for the reason that the label thereof bore the statement, "Prepared with Benzoate of Soda about 1/5 of 1%," regarding the ingredients and substances contained therein, which said statement was false and misleading, in that the article contained a larger percentage of benzoate of soda, and, in fact, contained 0.354 per cent.

(3) On March 29, 1912, from the State of New York into the State of Alabama, of a quantity of ketchup which was misbranded. This product was labeled: "Gold Seal Trade Mark Trade Mark Reg. U. S. Pat. Office Guaranteed under the Food and Drugs Act, June 30, 1906. Serial 1281. Contains 1/10 of 1% Benzoate of Soda, Alart & McGuire, New York. Highest Grade Gold Seal Tomato Ketchup. Manufactured from only fresh ripe tomatoes, celebrated for retaining the natural flavor combined with a delicious piquancy of spice found in no other brand. Alart & McGuire, New York, U. S. A."

Analysis of a sample of this product by the Bureau of Chemistry of this department showed that it contained much more benzoate of soda than stated on the label. Misbranding of the product was alleged in the information for the reason that the label thereon bore the statement, "Contains 1/10 of 1% Benzoate of Soda," regarding the ingredients and substances contained therein, which said statement was false and misleading, in that the article contained more than one-tenth of 1 per cent benzoate of soda, and, in fact, contained 0.378 per cent of benzoate of soda.